

RECEIVED  
CENTRAL FAX CENTER

SEP 14 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

September 14, 2005

JOHN O. MICHELINI and DONALD J. LEWIS

Serial No. : 10/805,611

Group Art Unit: 3747

Filed : March 19, 2004

Examiner: Tony Argenbright

For : CYLINDER AND VALVE MODE CONTROL FOR AN ENGINE  
WITH VALVES THAT MAY BE DEACTIVATEDINFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.56, 1.97, 1.98

Sir:

In compliance with the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98, the following patents, publications, applications, and/or other information are being submitted and disclosed to the Office, including those listed on the enclosed Form PTO-1449, for consideration by the Examiner.

Applicants respectfully request that the disclosed information be made of record and expressly considered by the Examiner during examination of the pending application. Further, Applicants respectfully request that the disclosed items be listed on the face of any patent issuing from the pending application in the "references cited" column.

In accordance with 37 C.F.R. § 1.97 (g), the present information disclosure statement is not a representation that a search has been made.

In accordance with 37 C.F.R. § 1.97 (h), the present information disclosure statement is not an admission that the information cited in the statement is, or is considered to be, material to patentability.

In accordance with MPEP § 609, Applicants respectfully request that if the present application is a continuing application, all information considered by the Office in the parent application be considered in the present application, although it need not be listed on the face of the patent unless resubmitted in this or another information disclosure statement filed in this application.

Finally, the present information disclosure statement is not an admission that the information cited in the statement is, or is considered to be, prior art.

Page 1 – INFORMATION DISCLOSURE STATEMENT  
Serial No. 10/7805,611; Record ID 81100237

**BASIS FOR CONSIDERATION BY THE OFFICE UNDER 37 C.F.R. § 1.97****☒ 37 C.F.R. § 1.97(c)**

The present information disclosure statement is being filed, to the best of Applicants' knowledge and belief, before the mailing of any of: a final action under 37 C.F.R. § 1.113, a notice of allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution in the application.

☐ Applicants certify that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

☒ Applicants certify that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the information disclosure statement.

OR

☐ A check in the amount of \_\_\_\_\_ is enclosed.

☐ Please charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account \_\_\_\_\_.

**CONTENT OF INFORMATION DISCLOSURE STATEMENT 37 C.F.R. § 1.98**

The present information disclosure statement includes any information noted above, along with a Form PTO-1449 (1 page).

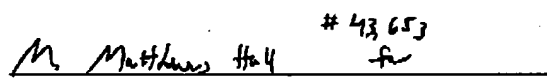
If there are any questions regarding this submission, please contact the undersigned.

**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being sent to the U.S. Patent and Trademark Office via facsimile at (571) 273-8300 on September 14, 2005.

  
Lauren Barberena

Respectfully submitted,  
ALLEMAN HALL MCCOY RUSSELL &  
TUTTLE LLP

 # 43,653  
Christopher S. Tuttle  
Registration No. 41,357  
Customer No. 36865  
Attorney for Applicant  
806 SW Broadway, Suite 600  
Portland, Oregon 97205  
Telephone: (503) 459-4141  
Facsimile: (503) 459-4142

RECEIVED  
CENTRAL FAX CENTER

SEP 14 2005

PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

## Complete If Known

Application Number	10/805,611
Filing Date	March 19, 2004
First Named Inventor	John O. Michelini
Art Unit	3747
Examiner Name	Tony Argenbright
Attorney Docket Number	81100237

## U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 4,009,695	03-01-1977	Ule	
		US- 4,779,582	10-25-1988	Lequesne	
		US- 6,062,186	05-16-2000	Barnes et al	
		US- 6,247,449	06-19-2001	Persson	
		US- 6,332,445	12-25-2001	Voss et al	
		US- 6,333,843	12-25-2001	Boie et al	
		US- 6,435,147	08-20-2002	Eichensener et al	
		US- 6,681,173	01-20-2004	Turner et al	
		US- 6,691,021	02-10-2004	Takagi et al	
		US- 6,718,928	04-13-2004	Brueggen et al	
		US- 6,772,723	08-10-2004	Aoki et al	
		US- 6,785,603	08-31-2004	Inoue	
		US- 2001/0003971	06-21-2001	Hori et al	
		US- 2002/0157630	10-31-2002	Gerhard et al	
		US- 2003/0131820	07-17-2003	McKay et al	
		US- 2004/0083719	05-06-2004	Xu et al	
		US- 2004/0103867	06-03-2004	Hayase et al	
		US-			
		US-			

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>3</sup>
		Country Code <sup>4</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.